

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND / ODESSA DIVISION

UNITED STATES OF AMERICA

vs.

CRYSTAL MUNOZ

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§  
§

CR. NO. MO-07-CR-119

**Motion for Post-Verdict Judgement of Acquittal (Rule 29)**

ON THIS the 9<sup>th</sup> day of November, 2007, the defendant by and through counsel, makes a motion for a post-verdict judgment of acquittal. The trial evidence presented was factually and legally insufficient to prove beyond a reasonable doubt that the defendant possessed with an intent to distribute a controlled substance.

There was virtually no evidence presented by the Government at the trial that the defendant actually possessed or constructively possessed any marijuana. The Government failed to demonstrate that the defendant had ownership, dominion, or control over any contraband. *United States v. Shabazz*, 993F 2d 431 (5<sup>th</sup> cir. 1993). The jury charge stated the Government must prove possession with intent to distribute a controlled substance beyond a reasonable doubt. The defendant believes the trial testimony and the evidence presented was factually and legally insufficient to support a verdict of guilty beyond a reasonable doubt.

Respectfully submitted,

DAN WADE  
Attorney for Crystal Munoz

/s/Dan Wade

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**Certificate of Service**

By signing above, I hereby certify that on November 9, 2007, I filed this document with the Clerk using the CM/ECF filing system, which will cause a copy of the document to be delivered to Assistant United States Attorney, Mr. Jeff Parras.

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**Order Granting Defendant's Motion for Judgment of Acquittal**

On this the \_\_\_\_\_ day of November, 2007, came on to be heard the Defendant's Motion for Judgment of Acquittal after considering the evidence, the motion is hereby GRANTED.

**SIGNED and ENTERED** this \_\_\_\_\_ day of November 2007.

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**JUDGE PRESIDING**